

Arizona Senate K-12 Education Committee

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K-12 EDUCATION COMMITTEE

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LEGISLATION ENACTED

school boundary changes; financial impact (S.B. 1094) – Chapter 217

An emergency measure that requires the county school superintendent (superintendent) to produce an election pamphlet for an unorganized territory that reaches the statutory threshold to consider annexation, which includes the annexation issue and the tax impact for property owners. Additionally, the superintendent must conduct two meetings, while changes to school district boundaries are being considered as part of an unorganized territory annexation, with opportunities for questions and answers.

Permits a student and any of the student's siblings to continue attending in their existing school district if the unorganized territory in which they reside votes to form a new school district or join an adjacent school district.

Reduces the current requirement for the mailing of information and publicity pamphlets for school district and political subdivision elections from each qualified elector to one per household.

~~aggravated assault; suffocation and strangulation~~ (NOW: displaced pupils choice grant program) (S.B. 1164) – Chapter 358

Appropriates \$2.5 million from the state General Fund in FY 2006-2007 to the Arizona Department of Education (ADE) to administer the Displaced Pupils Choice Grant Program (Program) to allow a custodian of a pupil, placed in foster care prior to graduating from high school or receiving a general equivalency diploma, to apply for a grant to attend a participating private school. Grants are limited to: 1) 500 pupils annually; 2) an individual award amount of \$5,000 annually or the annual tuition amount charged, whichever is less; and 3) tuition and fees only. Authorizes the ADE to make quarterly payments to the pupil's custodian only after a verification of initial admission and continued enrollment and attendance by the pupil in the private school. Repeals the Program on July 1, 2011.

~~technical correction; double punishment~~ (NOW: appropriation; alternative teacher development program) (S.B. 1184) – Chapter 359

SEE APPROPRIATIONS COMMITTEE.

K-12 EDUCATION COMMITTEE (Cont'd.)

schools; transportation RCL; limited increases (S.B. 1205) – Chapter 361

Increases the number of days used by school districts to calculate their Transportation Support Level (TSL) from 175 to 180 days and appropriates \$5,500,000 from the state General Fund in FY 2006-2007 to the Arizona Department of Education to fund the TSL based on a 180-day school year. Retroactive to May 16, 2006, prohibits a school district from increasing its Transportation Revenue Control Limit if it is greater than 120 percent of the school district's TSL.

school districts; GITA technology standards (S.B. 1257) – Chapter 161

Requires a school district governing board to take formal action within one year to adopt or reject educational technology standards adopted by the Government Information Technology Agency (GITA). These educational technology standards must be posted on a website maintained by the State Board of Education. School district governing boards that adopt GITA technology standards must apply the adopted standards to all technology purchases made until July 1, 2010.

~~top 50 schools; publication~~ (NOW: top elementary schools; publication) (S.B. 1270) – Chapter 200

Allows the Superintendent of Public Instruction to publish a list in school year 2007-2008 of the top 50 public elementary, middle and high schools on a website maintained by the Arizona Department of Education (ADE), based on each school's academic gains according to measurements selected by ADE and expressed in percentile ranking in percentile points. After school year 2007-2008, ADE may include more than 50 schools if more than 50 schools qualify under the categories chosen in school year 2007-2008.

~~schools; open enrollment; foster children~~ (NOW: mental health screenings) (S.B. 1324) – Chapter 250

Requires a school district or charter school to obtain written consent from a pupil's parent or legal guardian prior to conducting a mental health screening. The written consent must: 1) explain the nature of the screening program; 2) contain the place and time of the screening; and 3) provide notice that the screening survey or evaluation is available for the parent or legal guardian's inspection upon request.

~~schools; teachers; evaluations~~ (NOW: Indian education act) (S.B. 1363) – Chapter 389

Establishes the Office of Indian Education at the Arizona Department of Education (ADE) to collaborate with Indian nations to provide technical assistance to meet the educational needs of Native American students and to submit an annual statewide Native American status report to all Indian nations. Creates the Indian Education Advisory Council (Council) at the ADE and requires the Council to attend an annual meeting, along with other state and tribal representatives, to evaluate activities related to the education of Native American students. Requires a school district within tribal lands to provide a district-wide Native American education status report to the Indian Nations within its boundaries.

K-12 EDUCATION COMMITTEE (Cont'd.)

special education; IDEA changes (S.B. 1380) – Chapter 265

Conforms statutes relating to the education of children with disabilities to the federal Individuals with Disabilities Education Act in the areas of: 1) school academic assessments; 2) individual education programs; 3) parental notice; 4) evaluation and reevaluation procedures; and 5) eligibility requirements. Portions of the bill concerning school academic assessments are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which require the affirmative vote of at least three-fourths of the members of each house of the Legislature.

failing schools tutoring fund (S.B. 1381) – Chapter 266

An emergency measure broadening the number of schools eligible to receive services from Arizona Department of Education (ADE) solutions teams and expands the purpose of the Failing Schools Tutoring Fund (Fund) to: 1) allow students in grades 8-12 to receive tutoring services and 2) permit ADE to use monies from the Fund to purchase materials to aid students to pass the Arizona Instrument to Measure Standards test. Additionally, the State Board of Education must annually review all tutoring program providers for performance levels and may remove any provider that fails to meet their stated levels of academic improvement. Repeals the provision requiring those providers to refund grant monies if their academic approval levels are not met.

AIMS test; dropout prevention (S.B. 1382) – Chapter 305

An emergency measure expanding the services of the Arizona Instrument to Measure Standards (AIMS) Intervention and Dropout Prevention Program (Program) to include middle school pupils and any pupil for 12 months after the student exits the Program. Additionally, the bill authorizes the Arizona Department of Education to use Program monies to purchase materials to aid students to pass the AIMS test.

~~parental educational choice grant program~~ (NOW: AIMS test; alternative graduation requirement) (S.B. 1443) – Chapter 282

Allows students to augment their Arizona Instrument to Measure Standards (AIMS) test scores, for the purposes of fulfilling the AIMS graduation requirement, with grades received in elective courses that qualify towards high school graduation requirements. The emergency clause on this bill was not enacted and is thereby not applicable to students graduating in school year 2005-2006.

~~e-learning centered school system~~ (NOW: e-learning digital institute; data warehouse) (S.B. 1512) – Chapter 375

Appropriates \$3 million from the state General Fund to the Arizona Department of Education (ADE) in FY 2006-2007 to conduct the E-Learning Pilot Program (Pilot Program) in up to ten schools offering instruction in grades 6-9 and allows ADE to use up to five percent for administrative costs. Specifies that an e-learning system be implemented through the three-year Pilot Program to provide: 1) program management; 2) a central delivery system to provide

K-12 EDUCATION COMMITTEE (Cont'd.)

coursework to at least 50,000 students; 3) teacher training and professional development; 4) mathematics instruction through a digital curriculum system; and 5) lap-top technology for participating teachers and students. An actionable request for proposals (RFP) to implement the Pilot Program is due on or before December 15, 2006 and is subject to a review by the Joint Legislative Budget Committee. Repeals the Pilot Program on August 31, 2011.

Establishes an 11-member E-Learning Task Force (Task Force) comprised of individuals appointed by the Governor and Legislature. Terminates the Task Force on July 1, 2016. Requires ADE, in cooperation with the Task Force, to report on the Pilot Program before November 15, 2010, to the Governor and Legislature.

~~omnibus mining reclamation conformity act~~ (NOW: board of supervisors; accommodation schools) (S.B. 1551) – Chapter 178

Exempts the county board of supervisors from making any financial contributions to an accommodation school district until January 1, 2010, unless an intergovernmental agreement exists with the county school superintendent that details the county's financial responsibility and expenditure limitations, and the financial reporting required of the school superintendent. It creates a 12-member Joint Legislative Study Committee on Accommodation School District Governance and Financing to review the formation, operation and financing of accommodation school districts and make recommendations to the Governor and the Legislature by December 15, 2007.

public programs; citizens (S.C.R. 1031)

Subject to voter approval, statutorily prohibits certain state agencies from providing services to individuals who are not lawfully present in the United States, including: 1) adult education and family literacy classes by the Arizona Department of Education; 2) child care assistance by the Arizona Department of Economic Security; and 3) entitlement to in-state tuition or fee waivers, grants, scholarship assistance or financial aid by state universities and community colleges. Establishes biannual reporting requirements regarding the number of people who applied to participate and the number who were not eligible due to their immigration status.

~~eminent domain; fees and costs~~ (NOW: English language learners) (H.B. 2064) – Chapter 4

SEE APPROPRIATIONS COMMITTEE.

charter school teachers; grading; immunity (H.B. 2066) – Chapter 16

Immunizes noncertificated full-time teachers employed by a charter school from personal liability for all actions taken in good faith while evaluating or grading a student.

K-12 EDUCATION COMMITTEE (Cont'd.)

child care centers; regulation; exemptions (NOW: schools; physical education; pilot program) (H.B. 2140) – Chapter 326

Appropriates \$600,000 from the state General Fund in FY 2006-2007 to the Arizona Department of Education (ADE) to fund grants awarded to three schools selected to participate in a two-year Physical Education Pilot Program (Pilot Program). Requires ADE to establish grant application procedures and selection criteria. Requires participating schools to ensure that all students in grades 1-12, except students with disabilities whose individualized education plan would provide otherwise, participate in physical education for at least 150 minutes during the school week in both FY 2006-2007 and FY 2007-2008. Prescribes reporting requirements for participating schools to ADE and requires ADE to report data compiled from participating schools to the Governor and Legislature by December 15, 2008. Repeals the Pilot Program on October 1, 2011.

school profiles; school district accountability (H.B. 2359) – Chapter 240

Requires a school district governing board, within 45 days of a solution team's review and findings of a school improvement plan, to develop and submit an action plan to the Arizona Department of Education (ADE) that demonstrates how the school district will provide assistance as the underperforming and failing school incorporates the findings of the solutions team. ADE must accept or return the action plan to the school district for modification. Additionally, the State Board of Education may withhold up to ten percent of all available state monies if a school district governing board fails to submit an action plan after 45 days.

schools; textbooks; digital content (H.B. 2486) – Chapter 25

Expands the definition of "textbook" for all public elementary and high schools, and "nonprinted" and "printed" instructional materials for which accessible electronic files are distributed to disabled students, to include digital content.

school budgets; annual reports (H.B. 2505) – Chapter 379

Allows a school district governing board to prepare and submit annual budget reports to the Arizona Department of Education (ADE) that provide detail on available funds on a school district level, rather than on a school by school basis. However, beginning with FY 2006-2007, school district annual financial reports that are submitted to the ADE must report on an individual school basis the following budgeted and actual expenditure categories: 1) maintenance and operations; 2) unrestricted capital outlay; 3) soft capital; 4) deficiencies correction; and 5) building renewal.

Additionally, the ADE shall compile as part of the existing Superintendent's Annual Report, all annual financial reports submitted by school districts in a school by school format, including any individual school expenditure data for federal and state projects.

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schools; gifted pupils; programs; funding (H.B. 2552) – Chapter 336

Appropriates \$2 million from the state General Fund in FY 2006-2007 to the Arizona Department of Education (ADE) to provide additional funding for gifted education programs in school districts and charter schools. Increases the gifted support formula to \$75 per pupil for four percent of the school district or charter school's student count, or \$2,000, whichever is more. Expands the gifted education program requirements for school districts and charters and includes new monitoring and oversight responsibilities for ADE.

Continues permanently the existing State Board of Education rule requiring that certified elementary school teachers complete a minimum of 45 classroom hours or three college credit hours on phonics instruction.

school buildings; developer partnerships (H.B. 2592) – Chapter 382

Permits a school district governing board to enter into a voluntary partnership agreement (agreement) with a master planned community party to design and construct a new school facility prior to being eligible for a new school facility funded through the School Facilities Board. Requires: 1) the construction of school facility to comply with the School Facilities Board (SFB) new construction and minimum adequacy guidelines; 2) the SFB to approve the design and construction plans prior to construction; and 3) the funds used to construct the facility to be non-school district funds. When the school district becomes eligible for a new school, the SFB payment for the new school facilities built under an agreement is funded at the cost per square footage in effect at the time of construction; any cost to construct the school facility beyond the SFB payment is the responsibility of the school district. Excludes the square footage constructed under an agreement from receiving funds from the Building Renewal Program until SFB makes final payment. Allows a school district to receive a 20 percent payment from the SFB for any land donation (excludes real property) made as part of an agreement.

Prohibits a county, city or town from requiring either a landowner who enters into an agreement or any owner of land located within the geographic boundaries of a new school facility built through an agreement to make any contribution or donation beyond a site donation.

private schools; scholarships; disabled pupils (H.B. 2676) – Chapter 340

Appropriates \$2.5 million from the state General Fund in FY 2006-2007 to the Arizona Department of Education (ADE) to administer the Arizona Scholarships for Pupils with Disabilities Program (Program) that allows a pupil with disabilities to attend either a public school or a private school of the pupil's choice. Parents who are dissatisfied with their child's progress at a public school may place and transport the student in any public school in the state or enroll the child in a private school with a scholarship award equal to the base support level amount the child would receive if in attendance at a public school or the actual tuition amount charged at the private school, whichever is less. Authorizes the ADE to make quarterly scholarship payments to the pupil's parent only after a verification of initial admission and continued enrollment and attendance by the pupil in the private school. Terminates the Program on July 1, 2016.

K-12 EDUCATION COMMITTEE (Cont'd.)

JTEDs; omnibus (H.B. 2700) – Chapter 341

Defines a joint technical education district (JTED) course, makes changes to JTED governing board statutes and modifies the calculation of shared student enrollment between a JTED and member school districts or participating charter schools. Requires JTEDS to enter into intergovernmental agreements with member school districts and charter schools for course offerings and establishes new annual reporting requirements for JTEDs and the Arizona Department of Education. Retroactive to July 31, 2005, caps the average daily membership of a pupil at .75 if that pupil is enrolled in a course that meets for at least 150 minutes per class period at a centralized JTED campus.

Prohibits a JTED from imposing any property tax levy that exceeds five cents per \$100 of assessed valuation currently allowed in law, excluding monies intended to compensate for bond indebtedness and extends current JTED formation and expansion caps in FY 2006-2007, excluding Pima County. Additionally, allows JTED state aid funding for FY 2006-2007 to increase by two percent over the amount the JTED received in FY 2005-2006 plus the amount of county equalization assistance for education tax rate the JTED received in FY 2005-2006.

military personnel; transfer credits; reciprocity (H.B. 2764) – Chapter 112

Requires the State Board of Education and the Arizona Board of Regents to cooperatively pursue reciprocity agreements with other states in order to facilitate the transfer of credits for military personnel and their dependents. Additionally, extends in-state tuition status to a spouse or dependent of a member of the armed forces upon enrollment at a public university or community college if that spouse or dependent was eligible to receive in-state tuition status at the time the spouse or dependent was accepted for admission.

school district budgets; debts (H.B. 2817) – Chapter 343

An emergency measure that appropriates \$318,100 from the School Improvement Revenue Bond Debt Service Fund in FY 2005-2006 to the Arizona Department of Education (ADE) for distribution to Colorado City Unified School District (CCUSD) to pay for three debt service payments in June 2006, January 2007 and July 2007. The CCUSD is required to repay the amount through a state aid withholding over a five-year period beginning in FY 2006-2007 and allows proceeds from the sale of any capital facilities to repay the amount; exempts the school district from current law requiring an election or petitions prior to the sale of school buildings. Additionally, allows the CCUSD five years, instead of the statutorily required two years, to reimburse the state for a budget miscalculation that occurred in FY 2004-2005.

K-12 education; budget reconciliation. (H.B. 2874) – Chapter 353

SEE APPROPRIATIONS COMMITTEE.

K-12 EDUCATION COMMITTEE (Cont'd.)

VETOES

school districts; minor boundary changes (S.B. 1040) – VETOED

Allows school districts to charge tuition for nonresident pupils if two school districts have entered into a voluntary tuition payment agreement for those nonresident pupils. Specifies that school district governing boards may authorize minor boundary adjustments with adjacent school districts if none of the school districts involved have previously made more than two minor boundary adjustments per adjacent school district.

In her veto message, the Governor indicates that this bill would enable a minority of residents in one school district to become part of another school district without the consent of the majority of residents in either school district and that people who are dissatisfied with their school districts generally should work to improve their own school districts or get voter approval before redrawing the school district's lines.

ELL; SEI models; budget requests. (S.B. 1198) – VETOED

SEE APPROPRIATIONS COMMITTEE.

charter schools; fingerprinting; penalties (H.B. 2118) – VETOED

Allows a charter school sponsor to impose a civil penalty of \$1,000 per violation on a charter school that does not comply with state fingerprinting requirements, but allows an exemption of the civil penalty if the violation is a first offense and the charter school provides proof within two business days that the Department of Public Safety (DPS) has received a fingerprint clearance card application for a noncompliant individual. The bill further makes a fingerprint clearance card for all public school teachers permanent after the second renewal, or 18 years of continuous possession of a fingerprint clearance card, if the teacher has no criminal record and has been employed at the same school for 12 years.

In her veto message, the Governor indicates that a permanent clearance card for a teacher is not in the best interest of children because it precludes DPS from discovering potential new felonies committed out of state that would only be identified through a renewal check. The Governor states her support of the other provisions of the bill related to charter school fingerprint compliance and hopes that the issue be revisited.

school facilities board; budget reconciliation. (H.B. 2875) – VETOED

SEE APPROPRIATIONS COMMITTEE.

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FIRST SPECIAL SESSION

VETOES

ELL; SEI models; budget requests. (H.B. 2002/S.B. 1002) – VETOED

SEE APPROPRIATIONS COMMITTEE.